UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/581,753	10/24/2000	Joseph Wayne Forler	RCA88836	1172

7590 06/21/2006	**EXAMINER**
Joseph S Tripoli	BUI, KIEU OANH T
Thomson Multimedia Licensing Inc	

ART UNIT	PAPER NUMBER
2623	

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DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/581,753	FORLER, JOSEPH WAYNE
	Examiner	Art Unit	
	KIEU-OANH T. BUI	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 April 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All b)☐ Some * c)☐ None of:

　　　　1.☐ Certified copies of the priority documents have been received.

　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed on 3/30/06 have been fully considered but they are not

persuasive.

Applicant mainly agues that the default blocking mode of Ford is taken when a

substitution is detected, while the present application is concerned with blocking out material

until program related information (a substitution) is detected (page 7 of Remarks section).

However, the examiner would like to point out that the applicant is in error in interpreting Ford

versus the present application. The default blocking mode of the present application (page 10,

2nd paragraph) clearly states that the default blocking mode provide user attempts to bypass a

program information based blocking system by viewing or listening to portions of <u>an objectable</u>

<u>program</u> when the television is tuned to a new signal channel; and "objectable program" of the

present application is determined based on predetermined codes, as stated in page 1, line 36 to

page 2, line 10 according to V-chip technology and system. Therefore, "the objectable events"

or "substitution events" (that the applicant refers to) (Ford, col. 3/line 64-col. 4/line 11 for

embedded codes and low end default blocking) does the exact same function as the default

blocking mode here for default blocking "objectable program" or "objectable events."

Otherwise, there is no code or any basis evaluation for determining which one is objectable or

not. Then, the "program related information" which the applicant refers to as "a substitution

event" (which is a mistaken comparison) simply a customized or setting from the viewer for

filtering their own preferred programs and/or events based on their modified rating control, i.e.,

whether a R, X or NC-17 is blocking or not; and Ford teaches this feature as discussed in the

action (refer to Ford, col. 5/line 30 to col. 6/line 13).

Claim Rejections - 35 USC 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> *(a) A patent may not be obtained though the invention is not identically disclosed or*
> *described as set forth in section 102 of this title, if the differences between the subject*
> *matter sought to be patented and the prior art are such that the subject matter as a whole*
> *would have been obvious at the time the invention was made to a person having ordinary*
> *skill in the art to which said subject matter pertains. Patentability shall not be negatived*
> *by the manner in which the invention was made.*

3.   Claims 1-3, 6-7, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Rumreich (US Patent 5,995,160) in view of Ford (US Patent 6,181,364 B1).

Regarding claim 1, Rumreich discloses an apparatus (Fig. 1), comprising:

"a signal input for receiving a program signal associated with one of a plurality of signal

channels, said signal input selecting one of said plurality of signal channels in response to a user

input", i.e., RF in as a signal input for an apparatus of Figure 1 for receiving a program signal

associated with a plurality of signal channels, see col. 4/line 65 to col. 5/line 40 as a tuner can

select or choose a plurality of channels in response to a user input 125 via an IR receiver 122;

"a signal output for providing an output signal derived from said program signal", i.e., an

output is provided to IF processor 130 for producing baseband video signals (Fig. 1, and col.

4/line 65 to col. 5/line 20);

"an auxiliary data decoder for detecting program related information included in each

said program signal", i.e., an auxiliary data processor 115 is used for detecting program related

information in each of the program signal (col. 5/lines 40-62); and

"a processor operatively connected to said signal input, said signal output and said

auxiliary data decoder, wherein said processor is responsive to user selection of a first operating

mode for controlling said output signal in a predetermined manner to reduce user access to said

output signal for at least until said program related information is detected upon user selection of

a new one of said plurality of signal channels and user selection of a second operating mode for

providing user access to said output signals and prior to detection of said program related

information", i.e., CPU 112 connected to Aux data processor 115, the input signal and the output

signal (as shown in Fig. 1), and the processor is responsive to the user selection, detecting and

reducing the user access, for instance, blocking some of the content that has its rating over a

predetermined limit, and for providing the user access if the content is not over the

predetermined limit prior to detecting of the related information (col. 6/lines 18-50 for blanking

if the content is over the limit, and col. 12/lines 14-25 for unblanking if the content is within the

limit).

Appplicants argue that Rumreich does not show the step of the user access is reduced to

the output signal for at least until the program related information or the auxiliary data is

detected, i.e., simply by using the default blocking mode (refer to the specifications, pages 5-6,

the paragraph simply describes an automatic blocking feature that restrict or limit the user's

access until a new selection is made for a second –different mode). In fact, Ford teaches an exact

same technique as a default blocking mode is used, and based on the default blocking mode with

automatically blanking of undesirable or unsuitable contents –programs or scenes which referred

to portions of programs- either audio and/or visual <u>without the need for detection of ratings</u>

<u>codes</u>, the user's access is reduced or limited until a new detection for a new program is detected

for a second operating mode (Ford, col. 4/lines 23-31) and the user can customize the default

setting or predefined settings (Fig. 4/step 48 and col. 5/lines 50-55 & col. 7/lines 35-43).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify Rumreich's system with a default blocking mode which also can be

customized by the user as taught by Ford as disclosed in order to control the display of output

signals easily by restricting or reducing the user's access to the output signal until the detection

of new user selection for a second mode as preferred.

As for claim 2, in further view of claim 1 above, Rumreich further discloses "comprising

a second signal input for providing a second program signal from a second signal source, and a

switch for operatively coupling one of said signal input and second signal input to said signal

output, said output signal being derived from one of said respective program signals, wherein

said processor controls said output signal in said predetermined manner when the user selects

one of said signal inputs for at least until said program related information is detected", i.e., a

second input signal is disclosed because an RF-in (input) can be from different sources such as

from an antenna or a (video) cable and CV2 can be from a VCR and a video switch 142 under

the control of the processor 115 is selectively switching the corresponding input signals and

provides appropriate program signals as the user selects signal inputs with the input interface

control 125 (col. 5/lines 3-40).

As for claim 3, in further view of claim 1, Rumreich discloses "wherein said program signal is a television signal" (col. 1/lines 34-51 for television signal containing video and audio program and auxiliary information; and col. 4/line 65 to col. 5/line 5 for video television signal is received at the input).

As for claim 6, in further view of claim 1, Rumreich discloses "wherein said predetermined manner of control comprises one of blanking the video signal, replacing the video signal with an On Screen Display message, muting the audio signal and disabling associated closed captions" (col. 1/line 52 to col. 2/line 3 for video is blanked and the audio is muted; col. 2/lines 20-44 for a variation of blanking including whether of blanking the auxiliary data (meaning) including the closed captions, and col. 6/lines 30-50, with OSD 117 for On Screen Display processor 117 for displaying messages on the television screen).

As for claim 7, in further view of claim 1, Rumreich discloses "wherein said processor is responsive to user selection of a second operating mode for controlling said output signal in said predetermined manner for at least until said program related information is detected upon user selection of a new one of a plurality of user designated signal channels of said plurality of signal channels", i.e., the processor is responsive to the user selection, detecting and reducing the user access, for instance, blocking some of the content that has its rating over a predetermined limit, and for providing the user access if the content is not over the predetermined limit prior to detecting of the related information (col. 6/lines 18-50 for blanking if the content is over the limit, and col. 12/lines 14-25 for unblanking if the content is within the limit).

Regarding claim 11, Rumreich discloses "a method for selectively blanking a display comprising the steps of: selecting a change of channel to be displayed; blanking the display; tuning to the selected channel; determining whether a default blanking mode has been set; if a default blanking mode is not set, unblank the display, otherwise retain display blanking; determine whether authorization exists for displaying the selected channel; if authorization for displaying the selected channel exists, display the selected channel, otherwise blank the display" (see claim 1 above).

Appplicants argue that Rumreich does not show the step of the user access is reduced to the output signal for at least until the program related information or the auxiliary data is detected, i.e., <u>simply by using the default blocking mode</u> (refer to the specifications, pages 5-6, the paragraph simply describes an automatic blocking feature that restrict or limit the user's access until a new selection is made for a second –different mode). In fact, Ford teaches an exact same technique as a default blocking mode is used, and based on the default blocking mode with automatically blanking of undesirable or unsuitable contents –programs or scenes which referred to portions of programs- either audio and/or visual <u>without the need for detection of ratings codes</u>, the user's access is reduced or limited until a new detection for a new program is detected for a second operating mode (Ford, col. 4/lines 23-31) and the user can customize the default setting or predefined settings (Fig. 4/step 48 and col. 5/lines 50-55 & col. 7/lines 35-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rumreich's system with a default blocking mode which also can be customized by the user as taught by Ford as disclosed in order to control the display of output

signals easily by restricting or reducing the user's access to the output signal until the detection

of new user selection for a second mode as preferred.

4.   Claims 4-5 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Rumreich and Ford as disclosed in claim 1 above and in further view of Collings (U.S. Patent

No. 5,828,402).

Regarding claim 4, in further view of claim 1, Rumreich and Ford do not disclose

"wherein said program signal comprises a plurality of digital signal packets"; however, it is well

known in the art that the program signal can be encoded and transmitted as digital signal packets

over a transmission medium. In fact, in a same environment of selectively delivering programs

to the viewer, Collings clearly teaches an exact same technique that the program signal can be

encoded and transmitted as digital signal packets (Fig. 1, and col. 4/lines 10-30). Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was made to

modify Rumreich's system with an existing and known technique of transmitting program signal

including auxiliary information as "digital signal packets" over a transmission medium. The

motivation for doing this, which is well known in the art, for enhancing security by encoding the

signals as digital data packets and discretely transmitting them over the medium either using

Time Division Multiple Access (TDMA) or Code Division Multiple Access (CDMA) technique.

As for claim 5, in further view of claim 1, Rumreich does not address "wherein said

program signal comprises a plurality of time-multiplexed digital signal packets" as claimed;

however, the Examiner takes Official Notice that time-multiplexed digital signal packets is

known in the art, as discussed earlier in claim 4 for TDMA and CDMA. It's simply a system

choice whether to use a TDMA technique for transmitting digital data packets over the medium,

so that one can realize "the program signal comprises a plurality of time-multiplexed digital

signal packets". Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Rumreich's system with the use of TDMA in

transmitting program signals in order to provide "the program signal comprises a plurality of

time-multiplexed digital signal packets" as claimed. The motivation for doing this, which is well

known in the art, for enhancing security by encoding the signals as digital data packets and

discretely transmitting them over the medium using a Time Division Multiple Access (TDMA)

encoding technique.

As for claim 8, in further view of claim 1, Rumreich does not discloses "wherein said

processor is capable of providing an On Screen Display menu for allowing user selection of said

first operating mode"; however, Collings offers an On Screen Display (OSD) menu for the

viewer to select or choose whether an appropriate operating mode or not to view (see Figs. 5A,

5B & 5C). Therefore, it would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify the OSD with a menu for the viewer had a chance to modify

or customize their operating modes based on preferred setting using the OSD menu, which also

served as a motivation for doing this, as taught by Collings (col. 2/line 65 to col. 3/line 16).

As for claim 9, in further view of claim 8, Collings teaches "wherein said processor is

capable of providing a restricted access On Screen Display menu for allowing user selection of

said first operating mode" (see Figs. 5E, 5F, 5G, 5H & 5I for restricting access that OSD menu is

provided to the user for allowing user selection).

As for claim 10, in further view of claim 9, Collings further teaches "wherein access to said On Screen Display menu is password protected", i.e., a PIN is required as an access code for changing or accessing the main menu (col. 16/lines 50-67).

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6.   **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to PTO New Central Fax number:

(571) 273-8300, (for Technology Center 2600 only)

Hand deliveries must be made to Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

7.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner

can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays

off.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kieu-Oanh Bui
Primary Examiner
Art Unit 2623

KB
June 16, 2006